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EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/14/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/897,803

Applicant(s)

HARPER ET AL.

Examiner

Chongshan Chen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-10 are pending in this Office Action.

***Information Disclosure Statement***

2. The reference cited in the IDS, PTO-1449, Paper No. 2, has been considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Brin et al. ("Brin", 6,185,559).

As per claim 1, Brin discloses a method for administration and replication of a database, comprising the steps of:

providing a database management system with a built-in random sampling facility integrated into said database management system (Brin, col. 3, lines 22-24); and

executing said random sampling facility from within the database management system to perform a replication operation on said database (Brin, col. 6, lines 4-7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brin et al. ("Brin", 6,185,559).

As per claim 15, Brin discloses a database management system (DBMS) for managing an associated database, the DBMS comprising:

random sampling facility integrated with the database management system (Brin, col. 3, lines 22-24);

database replication tools (Brin, col. 6, lines 4-7).

Brin does not explicitly disclose first database analysis tools using said integrated random sampling facility for generating extrapolated reports on database content; second database analysis tools using said integrated random sampling facility for generating extrapolated reports on database size. However, Brin discloses using random sampling to determine the pattern of the database (Brin, col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a random sampling to generate extrapolated reports on database content and size in order to determine the pattern or structure of the database. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate extrapolated reports on database content and size in order to determine the pattern or structure of the database.

Art Unit: 2172

7. Claims 2-12, 14, 16-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brin et al. ("Brin", 6,185,559) in view of Hogg and Craig ("Hogg", "Introduction to Mathematical Statistics", 5<sup>th</sup> ed.).

As per claim 2, Brin teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing defining a database record sample size S; randomly sampling S records of the database using said random sampling facility; storing statistics for each of said S records, wherein said statistics include a record key for each record; and producing an extrapolated replication partition analysis based on said statistics. Hogg discloses a random sampling algorithm that defining a database record sample size S; randomly sampling S records of the database using said random sampling facility; storing statistics for each of said S records, wherein said statistics include a record key for each record (Hogg, page 123). Brin discloses using random sampling to determine the pattern of the database (Brin, col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce an extrapolated replication partition analysis in order to determine the database pattern. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hogg with Brin in order to use the random sampling algorithm to determine the pattern or structure of the database.

As per claim 3, Brin and Hogg teach all the claimed subject matters as discussed in claim 2, and further disclose defining a default sample size; selectively receiving a desired sample size; and, setting said sample size S as said default sample size when the desired sample size is not selectively received, and setting said sample size S as said desired sample size when the desired sample size is selectively received (Hogg, page 123).

Art Unit: 2172

As per claim 4, Brin teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing defining a database record sample size  $S$ ; randomly sampling  $S$  records of the database using said random sampling facility; storing statistics for each of said  $S$  records, wherein said statistics include a record key for each record; and producing a partial replication partition analysis based on said statistics. Hogg discloses a random sampling algorithm that defining a database record sample size  $S$ ; randomly sampling  $S$  records of the database using said random sampling facility; storing statistics for each of said  $S$  records, wherein said statistics include a record key for each record (Hogg, page 123). Brin discloses using random sampling to determine the pattern of the database (Brin, col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a partial replication partition analysis in order to determine the database pattern. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hogg with Brin in order to use the random sampling algorithm to determine the pattern or structure of the database.

As per claim 5, Brin and Hogg teach all the claimed subject matters as discussed in claim 4, and further discloses defining a default sample size; selectively receiving a desired sample size; and setting said sample size  $S$  as said default sample size when the desired sample size is not selectively received, and setting said sample size  $S$  as said desired sample size when the desired sample size is selectively received (Hogg, page 123).

As per claim 6, Brin discloses a method for database administration and replication, comprising the steps of:

Application/Control Number: 09/897,803  
Art Unit: 2172

providing a database management system with an integrated random sampling facility (Brin, col. 3, lines 22-24).

Brin does not explicitly disclose selecting a default sample size value  $S$ ; selectively receiving a desired sample size value  $D$  and setting said default sample size value  $S$  to said desired sample size value  $D$  when said desired sample size value  $D$  is received; randomly sampling  $S$  records of the database using said random sampling facility; storing statistics for each of said  $S$  records, wherein said statistics include a record key for each record; and producing at least one of: an extrapolated replication partition analysis based on said statistics; and a partial replication partition analysis based on said statistics.

Hogg discloses disclose a random sampling algorithm that selecting a default sample size value  $S$ ; selectively receiving a desired sample size value  $D$  and setting said default sample size value  $S$  to said desired sample size value  $D$  when said desired sample size value  $D$  is received; randomly sampling  $S$  records of the database using said random sampling facility; storing statistics for each of said  $S$  records, wherein said statistics include a record key for each record (Hogg, page 123). Brin discloses using random sampling to determine the pattern of the database (Brin, col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce an extrapolated or a partial replication partition analysis in order to determine the database pattern. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hogg with Brin in order to use the random sampling algorithm to determine the pattern or structure of the database.

As per claim 7, Brin and Hogg teach all the claimed subject matters as discussed in claim 6, and further disclose generating a table of  $S$  number pairs  $(Y_j, I_j)$ ,  $j=1, 2, \dots, S$ , wherein all  $Y$

Art Unit: 2172

and all I are initially set to zero; initializing a reservoir of records to an empty+state; setting an index M to said reservoir equal to zero; generating a sequence of N non-repeating random numbers  $U_1, U_2, \dots, U_n$ ,  $0 \leq U \leq 1$ , wherein N is the number of records in the database; and, performing additional steps for each random number  $U_k$  generated,  $k=1, 2, \dots, N$ , the additional steps including: skipping the next record in the database if  $U_k$  is less than the smallest value of Y in said table of number pairs; and, updating the table if a Y less than  $U_k$  exists by performing further steps including: setting M equal to its current value plus one; replacing the smallest Y in the table with  $U_k$ ; setting the I value paired with the smallest Y equal to M; and, storing all or part of the next record of the database in said reservoir of stored records, wherein the current value of M is a reservoir index to said stored record (Hogg, page 123).

As per claim 8, Brin and Hogg teach all the claimed subject matters as discussed in claim 7, except for explicitly disclosing arranging the table in a heap with respect to Y. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the table in a heap with respect to Y in order to store data in a heap structure which will allow easy and fast lookup and retrieval.

As per claim 9, Brin and Hogg teach all the claimed subject matters as discussed in claim 6, and further disclose sorting said stored statistics by key prior to producing said partition analysis (Hogg, page 123).

As per claim 10, Brin and Hogg teach all the claimed subject matters as discussed in claim 9, and further disclose accessing all database records in an arbitrary sequence; iteratively filling all of said partitions except the last said partition with said accessed records to a maximum



Art Unit: 2172

byte count; and, storing remaining accessed records in the last of said partitions (Hogg, page 123).

As per claim 11, Brin and Hogg teach all the claimed subject matters as discussed in claim 6, and further disclose storing statistics includes storing said statistics in a memory (Hogg, page 123).

As per claim 12, Brin and Hogg teach all the claimed subject matters as discussed in claim 11, except for explicitly disclosing storing said statistics in said memory in a compressed format. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store said statistics in said memory in a compressed format in order to save storage space. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store said statistics in said memory in a compressed format in order to save storage space.

As per claim 14, Brin and Hogg teach all the claimed subject matters as discussed in claim 6, and further discloses at least one index dataspace; at least one key dataspace; and at least one statistics dataspace (Brin, col. 1, line 15 – col. 4, line 37).

As per claim 16, Brin teaches all the claimed subject matters as discussed in claim 15, except for explicitly disclosing a pre-configured number S defining a default sample size; a means for selectively receiving a particular number defining a desired sample size and setting said number S equal to said particular number; a means for randomly sampling S records of the database using said random sampling facility; a means for storing statistics for each of said S records, wherein said statistics include a record key for each record; and, a means for producing

Art Unit: 2172

at least one of: an extrapolated database content analysis based on said statistics; an extrapolated partition analysis based on said statistics; and a partial partition analysis based on said statistics.

Hogg discloses a random sampling algorithm that sets a pre-configured number  $S$  defining a default sample size; a means for selectively receiving a particular number defining a desired sample size and setting said number  $S$  equal to said particular number; a means for randomly sampling  $S$  records of the database using said random sampling facility; a means for storing statistics for each of said  $S$  records, wherein said statistics include a record key for each record (Hogg, page 123). Brin discloses using random sampling to determine the pattern of the database (Brin, col. 3, lines 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce at least one of: an extrapolated database content analysis; an extrapolated partition analysis; and a partial partition analysis in order to determine the database pattern and structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hogg with Brin in order to use the random sampling algorithm to determine the pattern or structure of the database.

As per claim 17, Brin and Hogg teach all the claimed subject matters as discussed in claim 16, and further disclose a means for sorting said stored statistics by key prior to producing at least one of said analyses (Hogg, page 123).

As per claim 18, Brin and Hogg teach all the claimed subject matters as discussed in claim 16, and further disclose means for generating a table of  $S$  number pairs  $(Y_j, I_j)$ ,  $j=1,2, \dots, S$ , wherein all  $Y$  and all  $I$  are initially zero; a means for initializing a reservoir of records to an empty state; a means for setting an index  $M$  to said reservoir equal to zero; a means for generating a sequence of  $N$  non-repeating random numbers  $U_1, U_2, \dots, U_n$ ,  $0 \leq U \leq 1$ , wherein

Art Unit: 2172

N is the number of records in the database; and, a means, for each random number  $U_k$  generated,  $k=1,2, \dots, N$ , comprising: a means to skip the next record in said database if  $U_k$  is less than the smallest value of Y in said table of number pairs; and, a means to update the table if a Y less than  $U_k$  exists, comprising: a means to set M equal to its current value plus one; a means to replace the smallest Y in the table with  $U_k$ ; a means to set the I value paired with the smallest Y equal to M; and, a means to store all or part of the next record of said database in said reservoir of stored records, wherein the current value of M is a reservoir index to said stored record (Hogg, page 123).

As per claim 19, Brin and Hogg teach all the claimed subject matters as discussed in claim 18, except for explicitly disclosing arranging the table in a heap with respect to Y. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the table in a heap with respect to Y in order to store data in a heap structure which will allow easy and fast lookup and retrieval.

As per claim 20, Brin and Hogg teach all the claimed subject matters as discussed in claim 18, and further disclose storing statistics comprises a means for storing said statistics in a memory (Hogg, page 123).

As per claim 21, Brin and Hogg teach all the claimed subject matters as discussed in claim 20, and further disclose sorting said stored statistics by key prior to producing at least one of said analysis (Hogg, page 123).

As per claim 23, Brin and Hogg teach all the claimed subject matters as discussed in claim 22, and further disclose a means for accessing all database records in an arbitrary sequence; a means for iteratively filling all of said partitions except the last with said accessed

Art Unit: 2172

records to a maximum byte count; and, a means for storing remaining accessed records in the last of said partitions (Brin, col. 1, line 15 – col. 4, line 37).

As per claim 24, Brin and Hogg teach all the claimed subject matters as discussed in claim 16, and further disclose a means for utilizing at least one index dataspace; a means for utilizing at least one key dataspace; and, a means for utilizing at least one statistics dataspace (Brin, col. 1, line 15 – col. 4, line 37).

8. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brin et al. (“Brin”, 6,185,559) in view of Hogg and Craig (“Hogg”, “Introduction to Mathematical Statistics”, 5<sup>th</sup> ed.) and further in view of Iyer et al. (“Iyer”, 5,179,699).

As per claim 13, Brin and Hogg teach all the claimed subject matters as discussed in claim 6, except for explicitly disclosing defining multiple partition boundaries. Iyer discloses defining multiple partition boundaries (Iyer, col. 2, lines 52-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iyer with Brin and Hogg in order to determine the database’s partition size.

As per claim 22, Brin and Hogg teach all the claimed subject matters as discussed in claim 21, except for explicitly disclosing analyses of multiple partition boundaries. Iyer discloses analyses of multiple partition boundaries (Iyer, col. 2, line 52 – col. 3, line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Iyer with Brin and Hogg in order to determine the database’s partition size.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

CC  
August 8, 2003

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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